REMARKS

The Examiner finally rejected claims 1, 13, and 37 as being obvious over Hendrey in view of Chandhok. In response, Applicant has amended these claims and files an RCE. Applicant believes that the amended claims define over the cited references, and therefore, requests allowance of all pending claims.

Claim 1 is directed to a push-to-talk (PTT) controller configured to establish a local ad hoc group session between an inviting mobile terminal and one or more preferred mobile terminals located within a local area of the inviting mobile terminal. To identify the preferred mobile terminals for the group session, a group server filters a list of mobile terminals that are local to the inviting mobile terminal based on a user-specified local area restriction (e.g., those mobile terminals within a 5-mile radius of the inviting user) and against one or more access lists stored in memory at the group server. The access lists may be grant or deny lists that specify those mobile terminals that are not blocked/blocked from communicating in a group session with the inviting user. *Spec.*, p. 8, ll. 15–24; p. 10, ll. 3–24).

Hendrey discloses a cellular communication system that uses a location server to determine the distances of one or more terminal units (TUs) from an initiating TU. The initiating TU in Hendrey may establish a conventional cellular communication session with the TUs identified by the location server as being geographically near the initiating TU. According to Hendrey, the number of TUs allowed into the conversation may also be limited to a predetermined maximum number of "nearby" TUs. *Hendrey*, p. 4, §[0054].

The "maximum number" is not an access list stored in memory of the group server as recited in amended claim 1, and neither Hendrey nor the Examiner asserts that it is. Rather, the maximum number of users is an integer value that merely limits a conversation to "a predetermined maximum number of nearby callees within the predefined maximum distance." *Id.* This simply means that the conversation will have no more than a certain number of TUs.

There is nothing in Hendrey that teaches or suggests filtering nearby TUs against an access list to determine whether they are blocked/not blocked from a conversation. The "maximum number" is based on a "first-come-first-served" ideology such that once the maximum number of TUs is reached, no additional TUs are allowed into the conversation. Limiting the number of parties to a maximum number does not teach or suggest filtering based <u>both</u> on distance <u>and</u> on whether a mobile terminal within that distance is/is not on a grant or deny list that specifies which mobile terminals are/are not blocked from communicating in a group session with the inviting user.

The Examiner relies on the secondary reference Chandhok merely because it discusses Push-To-Talk. Chandhok discloses establishing a local communication session between a requesting mobile terminal and one or more service providers based on their distance from the requesting mobile terminal, and on a direction of travel of the requesting mobile terminal. Chandhok does not teach or suggest filtering mobile terminals for inclusion in a group communication session based on their distance from the inviting mobile terminal and on whether the mobile terminal is/is not on a grant or deny list stored in memory in the group server. Further, the Examiner never asserts that Chandhok does.

Therefore, neither reference alone teaches or suggests this element of claim 1. Because both references alone fail to teach or suggest this element, their combination (if one were even possible) necessarily fails to teach or suggest every element of claim 1. As such, the §103 rejection fails as a matter of law.

Additionally, however, there is no motivation to combine the references because neither reference would benefit from the additional filtering. Hendrey only contacts those members of a <u>pre-defined group</u> (i.e., those that are already allowed access) that are within a specified distance from the initiating TU. Likewise, the user in Chandhok explicitly requests assistance from service providers who the user <u>intends to include</u> in a communication session. It would be non-sensical for either Hendrey or Chandhok to filter their respective target groups further

because both groups already contain those parties that they intend to speak with. Therefore, there is no motivation to combine the references. Therefore, §103 rejection of claim 1 and its dependent claims fails as a matter of law.

Claim 13 has been amended to contain language similar to that of claim 1. Thus, for reasons similar to those stated above, neither reference teaches or suggests, alone or in combination, claim 13 or any of its dependent claims.

Claim 37 has been amended to now recite that the group server filters the identified local mobile terminals based on a media type restriction _and_ against one or more access lists stored at the group server. Thus, for reasons similar to those stated above, neither reference teaches or suggests, alone or in combination, claim 37. However, the rejection fails for at least one other reason. Specifically, the Examiner admits that Hendrey fails to disclose a group server that filters a group of mobile terminals based on a user-specified media type restriction, but relies on Chandhok to remedy this deficiency. It does not.
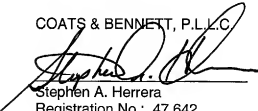
Chandhok identifies service providers for the requesting user based on distance from the requestor and a direction of travel of the requestor _only_. The user in Chandhok may provide a desired service category for which service is requested. _E.g., Chandhok_, ¶[0033]. However, this says _only_ that the user can request information or assistance regarding a particular subject (e.g., traffic, weather, etc.) from one or more local service providers. It says _nothing_ about restricting inclusion in a communication session based on who is able to communicate a specified type of media. Chandhok simply does not support the Examiner's contention, and any attempt to maintain such a contention would not survive appeal. Neither Hendrey nor Chandhok teaches or suggests, alone or in combination, claim 37.

Finally, Applicant has amended various dependent claims where necessary to ensure that they comport with the language of their respective amended independent claims. No new matter has been added.

In light of the foregoing amendments and remarks, Applicant respectfully requests allowance of all pending claims.

Respectfully submitted,

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